

Amended Claims

Applicant has amended claims, cancelled claims and introduced new claims.

Current claims as amended are referred to herein as "current claims". Prior claims that were examined for the office action mailed Sept. 3, 2004, are referred to herein as "prior claims".

Current claim 1 has been amended to incorporate the limitations of prior claim 3.

Current claim 2 is original.

Current claim 3 has been amended to explicitly point out that a pneumatic cylinder is a cylinder that has been adapted to function properly with a gas. Said adaptation is inherent in the term "pneumatic cylinder".

Current claim 4 has been amended to be dependent upon current claim 1.

Current claim 5 has been amended to be dependent upon current claim 1.

Current claim 6 has been amended to include the limitation that said mounting block has been adapted to mount onto a stage prop. Support is found on page 16, lines 11 – 12 of the written description.

C:\mark2\silverstein\Pneumatic Locking Swivel Caster HS072402USNP\response 1 amended claims HS072402USNP as filed.doc

Title: Pneumatic Locking Swivel Caster

Agent: Mark Nowotarski, Reg. No. 47,828

Current claim 7 has been amended to include the limitation that said mounting block has been adapted to mount onto a stage prop. Support is found on page 16, lines 11 – 12 of the written description.

Current claim 8 is amended to include the limitation that said mounting hole is vertical. Support is found on in Figure 1, item 128 of the written description.

Current claim 9 is amended to include the limitation that said braking device is adapted to lock said wheels without causing undue motion of said wheels. Support is found on page 17, line 4 of the written description.

Current claim 10 is original.

Current claim 11 is amended to include the limitation that each dual wheel swivel caster is mounted on the caster plate assembly such that said dual wheel swivel casters do not have undue motion when said device to lock said wheels locks said wheels. Support is found on page 17, line 4 of the written description.

Current claim 12 is original.

Prior claim 13 is cancelled without prejudice.

Current claim 14 is amended to include the limitations of prior claims 1 and 3 regarding the pneumatic locking swivel caster.

Current claim 15 has been amended to include the limitation that said body is a prop body for a theatrical production such that said prop body has the appearance of a given functionality but does not have said given functionality. Support is found on page 16, lines 11 –12, of the written description wherein it states that a dual wheel caster is mounted on a “grand piano prop body”. A person of ordinary skill in the art will understand that a prop body in a theatrical production will give the appearance of a given functionality but may not have said given functionality. For example, a grand piano prop body may look like it could produce music when played, but may not have the internal mechanisms (e.g. strings) required for producing music when played if it’s only function is to have the appearance of a grand piano.

Current claim 16 is amended to include the limitation that said device to lock said wheel is adapted to lock said wheel without producing undue motion in said wheel. Support is found on page 17, line 4 of the written description.

Current claim 17 has been amended to be dependent upon current claim 16.

Current claim 17 has been further amended to include the limitation that said prop is a piano prop body, sofa prop body, or bed prop body. Support is found in Example 1 of the written description.

Current claim 17 has been additionally modified to remove the limitation "or the like".

Current claim 18 is original.

Prior claims 18 to 25 have been cancelled.

New claim 26 has been added. New claim 26 contains all of the limitations of prior claims 11 and 12. The examiner has indicated in the office action mailed Sept. 3, 2004 that claim 12 would be allowable if it were amended to include the limitations of claim 11.

Responsive to the office action mailed September 3, 2004:

Elections/Restrictions

Item 3: Applicant affirms election of Group I, prior claims 1-12 and 14 – 18. New claim 26 has been added. New claim 26 includes all of the limitations of prior claims 11 and 12. New claim 26, therefore, belongs to Group I.

The claims directed to nonelected inventions are cancelled without prejudice.

Claim Rejections – 35 U.S.C. 112

Item 5: Prior claim 17 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite due to the phrase “or the like”.

Current claim 17 has been amended to delete the phrase “or the like”. Current claim 17, therefore, cannot be rejected under 35 U.S.C. 112.

Claim Rejections – 35 U.S.C. 102

Item 7: Prior claims 1-5, 14,15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lange, US patent 4,998,320.

Applicant's agent has pointed out during the phone interview of February 15, 2005, that Lange does not disclose a "brake disk...configured such that said brake disk is pressed onto said wheel thereby locking said wheel when said pneumatic cylinder is pressurized by said fluid", as recited in prior claim 3. Nor is said limitation inherent in Lange. The examiner concurred. Prior claim 3 therefore, cannot be rejected under 35 U.S.C 102(b) as being anticipated by Lange.

Current claim 1 has been amended to incorporate the limitations of prior claim 3. Current claim 1, therefore cannot be rejected under 35 U.S.C. 102(b) as being anticipated by Lange.

Current claims 2 – 5 are dependent upon current claim 1 and cannot be rejected under 35 U.S.C. 102(b) as being anticipated by Lange for the same reason.

Furthermore, the caster of current claim 1 comprises a pneumatic cylinder. A person of ordinary skill in the art will understand that a pneumatic cylinder is a cylinder that is adapted to function properly when the fluid introduced therein comprises a gas. Said understanding is inherent in the word "pneumatic". The cylinder of Lange (Figure 4, Item 12 of Lange) has not been adapted to function properly when the fluid therein comprises gas. Lange specifically provides provision for the removal of any gas within said cylinder (Lange column 6, line

23). Lange, therefore, does not disclose a pneumatic cylinder. Nor is a pneumatic cylinder inherent in Lange. Current claim 1 and dependent claims 2 - 5, therefore cannot be rejected under 35 U.S.C. 102(b) as being anticipated by Lange.

Current claim 14 has been amended to include the limitations of current claim 1. Current claim 14, therefore cannot be rejected as under 35 U.S.C. 102(b) as being anticipated by Lange for the reasons stated above.

Current claims 15 and 18 are dependent upon current claim 14 and cannot be rejected under 35 U.S.C. 102(b) as being anticipated by Lange for the same reasons.

Claim Rejections – 35 USC 103

Item 8: Prior claims 6 – 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lange. The examiner has asserted in the office action that Lange discloses the claimed invention except for the particular range of values claimed. The examiner has further asserted that said ranges are not critical to the design nor have they produced an unexpected result.

The applicant respectfully disagrees.

As discussed above, Lange does not disclose either the brake disk or the pneumatic cylinder of current claim 1. Current claims 6 to 8 depend upon current claim 1. Lange, therefore, does not disclose the invention of current claims 6 to 8 apart from the particular range of values claimed. Current claims 6 to 8, therefore, cannot be rejected under 35 U.S.C. 103(a) as being unpatentable over Lange.

Furthermore, current claims 6 and 7 have been amended to include the limitation that said mounting block be adapted to mount onto a stage prop. Said adaptation in combination with said height ranges of current claims 6 and 7 produce the surprising result of allowing said casters to be retrofit onto a stage prop. See page 10, lines 20 to 22, of the written description. Said height ranges therefore would not be obvious to a person of ordinary skill in the art and claim 6 and 7 cannot be rejected under 35 U.S.C 103(a) as being unpatentable over Lange.

Regarding current claim 8, current claim 8 has been amended to include the limitation that the mounting hole be vertical. The mounting hole of Lange (near Item 76, Figure 4) is horizontal. It would not be obvious to a person of ordinary skill in the art to modify the mounting block of Lange (Item 11, Figure 4) to have a vertical mounting hole since the mounting surface of Lange (Item 75, Figure 4) is

vertical. Current claim 8, therefore, cannot be rejected under 35 U.S.C. 103(a) as being unpatentable over Lange.

Prior claims 9 – 11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange. The examiner has asserted in the office action that Lange discloses the claimed invention except for the limitation of two or three wheels. The examiner has further asserted that the additional wheels of prior claim 9 – 11, 16 and 17 are mere duplication of the essential working parts of a device and that they are neither critical to the design nor do they produce an unexpected result.

The applicant respectfully disagrees.

As discussed above, Lange does not disclose either the brake disk or the pneumatic cylinder of current claim 1. Current claims 9 and 10 depend upon current claim 1. Current claim 11 comprises a pneumatic cylinder. Lange, therefore, does not disclose the invention of current claims 9, 10 or 11 apart from the limitation of two or three wheels. Current claims 9, 10 and 11 therefore, cannot be rejected under 35 U.S.C. 103(a) as being unpatentable over Lange.

Furthermore, current claims 9 and 11 have been amended to include the limitation that said device to lock the wheels has been adapted such that the wheels do not have undue motion when locked. Said adaptation in combination with the duplication of said wheels produces the surprising result of allowing said casters to be retrofit onto a stage prop such that said stage prop may be used in a theatrical production. See page 17, line 4, of the written description. Said adaptation in combination with said duplication therefore would not be obvious to a person of ordinary skill in the art. Claim 9 and 11 cannot be rejected under 35 U.S.C 103(a) as being unpatentable over Lange.

Current claim 10 is dependent upon current claim 9 and cannot be rejection under 35 U.S.C. 103(a) as being unpatentable over Lange for the same reason.

Current claim 14 has been amended to include the limitation of current claim 1. As discussed above, Lange does not disclose either the brake disk or the pneumatic cylinder of current claim 1. Current claims 16 and 17 depend upon current claim 14. Lange, therefore, does not disclose the invention of current claims 16 or 17 apart from the limitation of two or three wheels. Current claims 16 and 17 therefore, cannot be rejected under 35 U.S.C. 103(a) as being unpatentable over Lange.

Furthermore, current claim 16 has been amended to include the limitation that said device to lock said wheel has been adapted to lock said wheel without producing undue motion. Said adaptation in combination with the duplication of said wheels produces the surprising result of allowing said casters to be retrofit onto a stage prop such that said stage prop may be used in a theatrical production. See page 17, line 4 of the written description. Said adaptation in combination with said duplication therefore would not be obvious to a person of ordinary skill in the art and claim 16 cannot be rejected under 35 U.S.C 103(a) as being unpatentable over Lange.

Current claim 17 is dependent upon current claim 16 and cannot be rejected under 35 U.S.C. 103(a) as being unpatentable over Lange for the same reason.

Allowable Subject Matter

Item 9: The examiner has indicated that prior claim 12 would be allowable if amended to incorporate all of the limitations of base prior claim 11 and any intervening claims. Applicant has so amended prior claim 12 and introduced it as new claim 26.

Conclusion

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mark Nowotarski, Applicants' Attorney at 203 975 7678 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

Date

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